



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2503406

**Applicant Name:** Frank Mandt for Verizon Wireless

**Address of Proposal:** 2102 North 40<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a minor communication utility (Verizon Wireless) consisting of twelve (12) panel antennas on the roof top of an existing religious facility (Gift of Grace Lutheran Church). Equipment cabinets to be located in an existing window well.

The following approvals are required:

**Administrative Conditional Use Review** - to allow a minor communication utility on a religious facility in a Single Family Residential Zone (Seattle Municipal Code (SMC) Chapter 23.57.010.C).

**SEPA** - Environmental Determination (Seattle Municipal Code Chapter 25.05).

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

The proposal site is situated on the northeasterly corner of the intersection of North 40<sup>th</sup> Street and Meridian Avenue North, in the Wallingford neighborhood of Seattle. The property contains a total area of approximately 17,104 square feet. The parcel and existing buildings are located within a Single Family (SF 5000) zone. Development on the site consists of a two-story religious facility with a basement (Gift of Grace Lutheran Church) and a two-story associated

parsonage with a basement. The existing church is 40' in height measured from existing grade to the roof of the tower and an additional 2'-2" to the top of the tower parapet; with an overall height of 42'-2" exceeding the 30' SF 5000 height limit allowed for structures in this zone. However, the building is a legally non-conforming structure as it was built before this zoning designation was in effect.

The surrounding property is also zoned SF 5000. Existing development in the vicinity of the proposal consists of a variety of single family residences varying in age and architectural style and a mixed use building across the street from the subject site consisting of a coffee shop on the ground floor and residential units above.

### Proposal Description

The proposed project consists of the installation of a minor communication facility for Verizon Wireless. The facility will consist of three (3) sector antenna arrays with four (4) antennas per sector (12 panels total) projecting 4'-9" above the tower's roof of an existing religious facility. The antenna array will be pipe mounted to the existing parapet behind a 7' tall fiberglass enclosure designed to resemble an extension of the existing church tower. All associated cabling will be located within a metal shroud mounted against the north exterior wall of the tower and routed to the associated radio equipment. The radio equipment cabinets will be located inside the church's basement light well located on the west side of the church. The applicant proposes to install a 6' tall wrought iron fence behind the existing landscaping to screen the partially below grade equipment cabinets. The metal shroud, fiberglass tower extension and wrought iron fence will be painted and constructed to match the appearance of the building.

### Public Comments

The public comment period for this project ended September 28, 2005. DPD received two written comments regarding this proposal. The neighbors expressed concerns regarding possible health impacts due to exposure to electromagnetic radiation emissions, the manner in which the application was noticed, view blockage caused by the extension of the existing tower, and the "appropriateness" of this particular location.

### **ANALYSIS -ADMINISTRATIVE CONDITIONAL USE**

Seattle Municipal Code (SMC) 23.57.010.C provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Single Family zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.010.C and the following criteria, as applicable.

- 1. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas will be located above the rooftop of the existing church's tower and associated radio equipment will be situated on top of a steel platform below grade within the church's basement light well along the west side of the church. The subject site is located in the SF 5000 zone. According to the plans, both the antennas and the related equipment will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be screened by materials and colors consistent with the current exterior of the building. The radio equipment will be located 4.5' below existing grade behind a concrete retaining wall and completely hidden behind a wrought iron fence measured 6' above existing grade. The proposal includes the retention of existing shrubbery situated in front of the proposed fence and the installation of an access stair with platform.

The applicant submitted a search ring area map that delineated the boundaries of the search area in which a minor communication utility for T-Mobile must be located to satisfy the coverage objective-to allow for additional capacity and upgraded service that is currently being provided from a remote facility in downtown Seattle (Watermark Credit Union @ 800 Stewart Street). The search ring is bounded by the area located between Stone Way North and 8<sup>th</sup> Avenue Northeast (west to east) and between North 42<sup>nd</sup> Street and Gas Works Park (north to south). The search ring is inclusive of residential and commercial zones.

The applicant states that other alternative sites were sought prior to the proposed location. The properties in the area, including properties at the intersection of North 40<sup>th</sup> Street and Wallingford Avenue North are zoned Neighborhood Commercial (NC) are considered more favorable for minor communication utility facilities. However, site specific constraints such as structural insufficiency for rooftop loading, low building heights and proximity of evergreen trees greatly compromised the viability of such sites to meet the applicant's network objectives and responsibilities under federal, state and local regulations. Therefore, the proposed location was chosen.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas and cabling are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. The minor communication utility will be integrated into the design of the building and screened to resemble the existing church's brick facade. The negative impacts to the neighbors and tenants of the host building will likely be minor and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

The views from immediately neighboring residential structures would not be substantially altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that the visual intrusion would be minor.

The antennas will not emit noise. The noise level associated with the radio equipment cabinets is estimated to be below the ambient level of residential uses allowed within the Single Family zone according to the project's acoustical report. The equipment cabinets will be shielded by a combination of the concrete retaining walls of the light well and existing shrubbery.

Traffic impacts are not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of an extension of the existing church tower. It is designed to resemble the existing brick treatments on the structure's façade and be in keeping with other roof features in order to screen and camouflage the antenna location. The proposed faux brick-like screening and related equipment would blend with the color of the building and is a condition of approval of this permit. The associated radio equipment cabinets will be partially screened by the existing 4'-6" concrete retaining wall and additional screening will be provided by the installation of 6' iron wrought fencing on top of the wall and existing landscaping in front of the proposed fence. While the wrought iron fence will enhance the exterior grounds of the church, it will not completely camouflage the upper 2'-3' of the radio equipment by itself. As a result, the proposal will be conditioned to provide and maintain landscaping in front of the fence at a height necessary to assist in completely visually screening the associated radio equipment cabinets.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
  - a.) *The antenna is at least one hundred feet (100') from a MIO boundary, and*
  - b.) *The antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the requested height is the minimum necessary for the effective functioning of the minor communication utility.*
  - a.) *The requested height is the minimum necessary for the effective functioning of the minor communication utility, and*
  - b.) *Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed antennas will be located on the rooftop of an existing building that is legally non-conforming in regards to maximum height limits allowed in SF 5000 zones. This minor communication facility extending approximately 7' above the bell tower roof top that is measured at an overall height of 40' would be taller than the base height limit for structures in this zone. However, the additional height may be granted through an administrative conditional use permit.

A Verizon representative (Debra Adams, Sr. RF Engineer) explains in a letter dated April 7, 2006 that strict application of the height limit would preclude Verizon from providing “quality” level of service for the intended coverage area (described as the “East Fremont” area), which extends north towards North 42<sup>nd</sup> Street, west to Stone Way North, south to Gas Works Park and east towards 8<sup>th</sup> Avenue Northeast. She states there is currently a marginal level of service being provided to the target area by an existing Verizon MCU facility located at 800 Stewart Street in Downtown Seattle. Due to imminent modifications to the Downtown MCU facility to improve the grade of service to customers located in the Downtown core area, service to the East Fremont area will be severely diminished. For this reason, a site was sought to provide quality service within the subject area. Data demonstrating the need for a wireless facility in this area was included.

Due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The requested height of the antennas allows for connection to occur above terrain obstructions with a cell site named the “Aurora Bridge” site. The Verizon RF engineer has provided evidence that the proposed antenna height, 7’ above the bell tower’s roof, is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. Therefore, the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

6. *If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009.A, except for minor communication utilities located on freestanding water tower or similar facility.*

The proposed minor communication utility is the sole personal wireless facility that will be on the subject site. Therefore, this criterion does not apply to the subject proposal.

## **SUMMARY**

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

### **SEPA ANALYSIS**

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated May 26, 2005. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

### **Short - term Impacts**

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

### **Construction and Noise Impacts**

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse

noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

#### Long - term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

#### **For the Life of the Permit**

1. Screening shall be integrated with architectural design, material, shape and color of the existing building.
2. Provide and maintain landscaping in front of the proposed 6' iron wrought fence at a height necessary to assist in completely screening the associated radio equipment cabinets.

### **CONDITIONS - SEPA**

#### **During Construction**

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file)  
Tamara Garrett, Land Use Planner  
Department of Planning and Development

Date: May 4, 2006